

Resolution No.: 17-681
Introduced: January 29, 2013
Adopted: February 12, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 501115 - Century Boulevard

In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,
2004 Montgomery County Code, as amended

Background

- I. It has been requested that Council authorize the condemnation of those portions of land necessary to construct Century Boulevard, in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
1. In order to meet the construction schedule, as authorized by the Montgomery County Council, the County must acquire the properties referenced below.
 2. The County has been unable to negotiate an Option Contract with the property owners listed below:

Right Of Way (sq. ft.)

Owner	Account Number	Legal Description	Liber/ Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement
FP Cloverleaf, LLC	03247750	Parcel 7, Cloverleaf Center	38167/283	-0-	-0-	4.037

Owner	Account Number	Legal Description	Liber/ Folio	Temporary Construction Easement	Permanent Drainage Easement	Public Utility Easement
Cloverleaf Center III Condominium	n/a	Lot 3, Phase 2, Cloverleaf Center Condominium	17519/403 Plat 7743	9,708	6,611	1,520

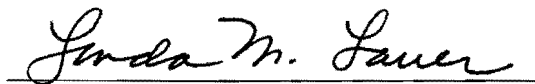
Owner	Account Number	Legal Description	Liber/ Folio	Permanent Wall Easement
First Federal Corp.	3355006	Parcel R, Cloverleaf Center	18504/155 Plat 21979	2,150

3. There is an immediate need to acquire the above-listed rights of way for the construction of Century Boulevard.

Action

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portions of land needed for the construction of Century Boulevard in accordance with Section 49-50 of the Montgomery County Code, (2004) as amended effective upon the following conditions:
1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. William W. Moroney, Jr., MAI, a Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the properties.
- II. Montgomery County may take immediate possession of the properties described above, upon payment into Court of the fair market value thereof, as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council